

REMARKS

Summary Of The Office Action & Formalities

Status of Claims

Claims 1-16 are all the claims pending in the application. By this Amendment, Applicant is amending claims 1 and 11. No new matter is added.

Art Rejections

1. Claims 1, 2, 4, 8, 10-14 and 16 are rejected under 35 U.S.C. § 102(b) as being anticipated by Garrigou (US 3,625,437).

2. Claims 3, 5-7, 9 and 15 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Garrigou (US 3,625,437) in view of Ennis, III (US 4,923,448).

Applicant maintains that the claims are allowable for all the reasons of record and further traverses as follows.

Claim Rejections - 35 U.S.C. § 102

1. *Claims 1, 2, 4, 8, 10-14 And 16 In View Of Garrigou (US 3,625,437).*

In rejecting claims 1, 2, 4, 8, 10-14 and 16 in view of Garrigou (US 3,625,437), the grounds of rejection state:

In regard to Claims 1, 8, 10, 11 and 12, Garrigou (3,625,437) teaches a fluid dispenser device that includes a fluid spray head manufactured from a common mold (Column 1, Lines 30-68) where the spray head has an expulsion channel (13) with a spray orifice (14) and a spray profile (15,16,17) are formed in an end wall of the spray head where non radial spray channels (17) are formed to the swirling chamber (Column 3, line 46-55) which opens to a spray chamber (16) that is disposed upstream of the spray orifice (14) where an insert (2) **forms an internal nozzle (see Figure 1 and 3 where 14 sits over 9 to form internal nozzle within the insert and forms a base surface for the spray profile. The internal nozzle that is created is configured along with the**

spray head with an upstream opening in the spray head) and is introduced through the inside of the spray head being disposed in the expulsion channel (13) so as to form a cover for the spray profile (15,16,17) where the central axis (X) of the insert (2) is substantially identical to the central axis (Y) of the expulsion channel (13) (Figure 4) and where the expulsion channel (13) further has a centering means (19) for centering the insert (2) within the spray head that is located in the expulsion channel (13) for centering the insert (2) where the centering means (19) is in close proximity to the spray profile (15,16,17).

In regard to Claim 2, 13 and 14, Garrigou also teaches where the centering means (19) has at least one projection (see plurality of centering means 19 in Figure 4) that totals 4 projections which inherently includes more than 3 and less than 3 projections where the diameter of the inscribed circle (see Figure 4) defined by the projections (19-centering means) is substantially identical to the diameter of the insert (2) where the projections extend from an inside wall of the expulsion channel (13) and abut the insert (2) to substantially align the central axis of the insert with the central axis of the expulsion channel (13).

In regard to Claim 4 and 16, Garrigou further teaches where the accesses of the expulsion channel (13) of the feed channel (17) are formed between the projections (Centering means projections 19-Figure 4).

Office Action at pages 2-3.

One skilled in the art would readily recognize several important differences between the claimed subject matter and the disclosure in Garrigou (US 3,625,437). For example, the insert (2) disclosed in Garrigou is **not** an internal nozzle but **an external nozzle**: this means that due to the pressure provided by the fluid during expulsion, there is a risk that the insert (2) may be expelled out of the spray head during actuation (*see, e.g.*, the description at page 1, lines 6-11 of Applicant's specification). On the other hand, with an **internal** nozzle, the insert being introduced through the inside of the spray head, there is no risk of expelling the insert which is retained by the spray head's end wall.

As another example of the differences between the two structures, the insert (2) in Garrigou defines the spray orifice (14), whereas, in the claimed subject matter, the spray orifice is defined by the end wall of the spray head, and thus the internal insert does not define any spray orifice. Claims 1 and 11 clearly require the spray head and the insert *to be separate elements, and that the spray orifice is in the spray head.*

Garrigou's disclosure thus can not fairly be read to anticipate the claims as last presented. Nevertheless, to advance prosecution, Applicant is further amending the claims to explicitly state that the spray chamber is between the spray orifice of the spray head and the insert.

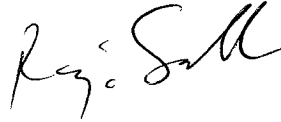
In view of at least the foregoing distinctions and those already of record, the Examiner is kindly requested to reconsider and withdraw the rejections of the claims.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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